

REMARKS

Applicants respectfully present Claims 1-5, 19-23 and 30-34 for examination in the RCE filed herewith. Claims 1-5, 19-23 and 30-34 have been amended herein to more clearly define the scope of the claimed invention. Applicants respectfully submit that the claims and remarks presented herein overcome the Examiner's rejections in the Final Office Action dated August 20, 2009, in the parent application.

35 U.S.C. § 103

Claims 1, 19 and 30 stand rejected under 35 U.S.C. § 103 as being obvious over Hayduk (U.S. Publication No. 2003/0054833) in view of Aburai et. al (U.S. Publication No. 2002/0090953). The Examiner submits that Hayduk discloses substantially all elements of these independent claims. The Examiner submits, however, that Aburai discloses the elements not taught by Hayduk and that it would have been obvious to one of ordinary skill in the art to combine the features of these two references. Applicants respectfully traverse the Examiner's rejection.

First and foremost, Applicants respectfully highlight the fact that the Examiner failed to address any of Applicants' previously submitted arguments pertaining to Hayduk and Aburai. Instead, the Examiner simply points to various sections of these references once again, without any recognition of Applicants' position. Applicants therefore respectfully resubmit some of the previously submitted arguments, in addition to addressing any new concerns the Examiner may have raised.

Applicants once again submit that Hayduk does not teach or suggest many of the claim elements. For example, Claims 1, 19 and 30 include the element of "causing the mobile device to conform to the preferences and restrictions associated with the local area of coverage." In other words, according to the claimed invention, the supervisory device essentially imposes the policies on the device based on the area of wireless coverage by causing the device to conform to the preferences and restrictions for that area. Hayduk, on the other hand, describes the opposite scheme, namely one in which the *user* specifies the "policies" to be applied to their phone, thus allowing the user services preferences to

act as a “filter” to determine what information the device receives (Hayduk, Paragraphs 12 – 14). In fact, the entire Hayduk reference appears to be directed the concept of a mobile user roaming and obtaining data that it is interested in from the “broadcast” servers in the area. More specifically, the user transmits both a location and information about his/her interest to a broadcaster, which then utilizes the information to determine what to broadcast to the user’s device. See, for example, Paragraph 14 and Claim 1 of Hayduk below.

“[0014] As the mobile element 102 roams within the network 106, the position of the mobile element is monitored by the position monitoring module 117, typically using an included program module 135. The position may be transmitted to the broadcaster 104, either periodically, upon request, or continuously. The list of preferences 132, along with priorities 134, if desired, may also be sent to the broadcaster 104, or retained in the memory of the mobile element 102 and used as a filter (by the comparator module 137) against incoming data received from the broadcaster 104. In either case, the broadcaster 104 may transmit one or more of the files 128 to the mobile element 102 based on the current position 131 of the mobile element 102. If the client preferences 132 have previously been received by the broadcaster 104, then the files broadcast to the mobile element 102 may be filtered by the broadcaster 104 in accordance with the preferences received from the mobile element 102. In this case, a comparator module 133 residing in the broadcaster 104 may conduct the filtering operation. Otherwise, all of the files 128 may be broadcast to the mobile element 102, such that only those files which are related to the items in the preference list 132 may be retained in the memory 111 (L1, L2 . . . LM).”

See also, Claim 1.

1. An application execution system, comprising:
a position monitoring module;
a mobile element associated with a position capable of being monitored by the position monitoring module, the mobile element having a memory including a set of user service preferences including a first service preference;
a service broadcaster capable of being communicatively coupled to the mobile element and broadcasting a second service preference to the mobile element; and
a comparator module communicatively coupled to the mobile element to compare the first and second service preferences.

The scheme in Hayduk is thus simply inapplicable to the presently claimed invention. Even assuming arguendo the Examiner is allowed to select discrete portions of Hayduk without regard for the context of the application, Applicants nonetheless submit that the sections of Hayduk do not teach or suggest various claim elements. For example, the Examiner states that Hayduk teaches that device capabilities and preferences are sent to the broadcaster 104 and said information is examined and based on a determination select information is broadcasted and that this element allegedly teaches the element of “examining device configuration information associated with the wireless electronic device on the at least one or more supervisory devices. Applicants

strongly disagree. Hayduk merely shows that user preferences are sent to a broadcaster and appropriate information is then sent to the user's wireless device. This is in direct contrast to the scheme claimed herein where the supervisory device receives *device configuration information regarding functions on the device* and sends preference and restriction information *to* the wireless electronic device.

The Examiner additionally submits that although Hayduk does not teach or suggest various remaining claim elements, that Agarwal teaches those elements and that it would have been obvious to one of ordinary skill in the art to combine those references. Applicants respectfully submit that regardless of what is taught by Agarwal, Hayduk does not in fact teach the elements that the Examiner alleges it teaches. Agarwal also does not teach these elements, and thus, it is irrelevant whether Agarwal teaches the elements not taught by Hayduk. Alone or in combination, these references fail to render the pending independent claims unpatentable. Since the dependent claims in the application are all dependent on Claims 1, 19 and 30, the references also do not render the dependent claims unpatentable

In summary, Applicants respectfully submit that Hayduk and Agarwal do not render Claims 1-5, 19-23 and 30-34 unpatentable and Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 103 rejections to these claims.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1-5, 19-23 and 30-34 are in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any remaining questions, he is encouraged to contact the undersigned at (714) 730-8225.

Respectfully Submitted,

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